

SKILLED NURSING UPDATE: CMS RECASTS SKILLED NURSING VISITATION ACTION ITEMS OR POST-PHE VISITS

As skilled nursing facilities work and provide health care services after the May 11, 2023, end of the Public Health Emergency, questions and concerns about visitation at these facilities will likely continue to arise. The Centers for Medicare & Medicaid Services (“CMS”) recently released revisions and additional clarifications to prior CMS guidance on many issues that skilled nursing providers face as they encounter certain visitation scenarios.

On May 8, 2023, CMS updated and revised several questions and answers to provide clarifications to the [memorandum](#) that the Quality, Safety & Oversight Group at CMS originally issued on September 17, 2020, titled “Nursing Home Visitation – COVID-19” (“CMS Visitation Memo”), which announced updated visitation standards for nursing homes.

The key revisions and additions include the following:

VISITATION PERMITTED

The CMS Visitation Memo emphasized that the facility must permit visitation regardless of the visitor’s vaccination status if the visitor does not report COVID-19 symptoms or meet the criteria for quarantine.

PRINCIPLES OF INFECTION PREVENTION AND CONTROL - POSTING VISUAL ALERTS

The CMS Visitation Memo emphasized that regardless of how visits are conducted, certain core principles and best practices reduce the risk of COVID-19 transmission that a skilled nursing facility may consider including:

- Facilities should provide guidance, including posted signs at entrances, about recommended actions for visitors who have a positive viral test for COVID-19, symptoms of COVID-19 or have had close contact with someone with COVID-19.
- Post visual alerts, signs or posters at the entrance and in strategic places, such as waiting areas, elevators and cafeterias. These alerts should include instructions about current infection prevention and control recommendations, including when to use face coverings.
- Cleaning and disinfecting of frequently touched surfaces in the facility often and designated visitation areas after each visit.
- Face covering or mask (covering mouth and nose) in accordance with the Centers for Disease Control and Prevention (“CDC”) guidance.
- Resident and staff testing is conducted following nationally accepted standards, such as CDC recommendations.

FOLLOWING CDC RECOMMENDATIONS

In the CMS Visitation Memo, CMS emphasized that during any future COVID-19 outbreak among residents or staff, the facilities are to adhere to the infection control regulations in 42 CFR §483.80 and follow accepted national standards, such as CDC recommendations. CMS further set out that if residents or their representative would like to have a visit during an outbreak investigation, the visit should ideally occur in the resident’s room and the resident and their visitors should wear well-fitting face coverings and physically distance, if possible, during the visit.

VACCINATION RECOMMENDATION

While not required, CMS encouraged facilities to offer testing to visitors. CMS also strongly encouraged all visitors to stay up to date with their COVID-19 vaccinations and facilities should educate and also encourage visitors to become vaccinated.

MEAL SHARING

The questions and answers section of the CMS Visitation Memo was revised to confirm that a visitor may share a meal with or feed the resident they are visiting.

PRACTICAL TAKEAWAYS

- Skilled nursing facilities should review and revise their post-PHE policies and procedures on visits.

- Skilled nursing facilities should train their staff and educate families on their post-PHE visitation procedures.
- Skilled nursing facilities need to document all of their efforts taken to facilitate visitation.

If you have questions or would like additional information about this topic, please contact:

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